R E M A R K S

In the Office Action, the Examiner rejected claim 53 under 35 USC §112 and rejected claims 1-30 and 43-54 under prior art grounds. These rejections are fully traversed below.

Claim 53 has been amended to further clarify the subject matter regarded as the invention. Thus, claims 1-30 and 43-54 remain pending.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIM 53 UNDER 35 USC § 112, FIRST PARAGRAPH

In the Office Action, the Examiner rejected claim 53 under the first paragraph of 35 USC §112 for lack of written description. Applicants respectfully disagree. Nevertheless, to expedite prosecution, claim 53 has been amended to obviate the rejection under the first paragraph of 35 USC §112. Accordingly, it is respectfully requested that the Examiner withdraw the rejection to claim 53 under the first paragraph of 35 USC §112.

REJECTION OF CLAIMS 1-30 AND 43-54 UNDER 35 USC §§ 102(b), 103(a)

In the Office Action, the Examiner rejected claims 45-51 and 53 under 35 USC §102(b) as being anticipated by Edgar et al. (U.S. Patent No. 5,848,395); and rejected claims 1-30, 43, 44, 52 and 54 under 35 USC §103(a) as being unpatentable over Edgar et al. in view of Hanzek (U.S. Patent No. 6,654,726). These rejections are fully traversed below.

Claim 1 pertains to a method for dynamically creating a schedule of timeslot segments for a plurality of routes and timeslots. Generally, claim 1 creates a set of schedulable timeslot segments for each of a set of routes on a selected day based on available route types obtained using a calendar and a template. Thereafter, an electronic storefront program can schedule at least one delivery stop "using one or

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more of the set of schedulable timeslot segments, the at least one delivery stop being for delivery of a product or service." Claim 1, lines 15-17.

Edgar et al. pertains to an appointment booking and scheduling system for booking appointments with operatives who visit customer sites. Although Edgar et al. makes reference to routes 31 in the database 11, these routes are NOT based on available route types determined by a template, as is recited in claim 1. At best, one can only argue that Edgar et al. describes having different routes in the database 11. However, Edgar et al. does not appear to provide any teaching or suggestion for different route types, let alone route types that are available as determined by a template.

Nevertheless, the Examiner correlates the tables 30 in Edgar et al. containing a plurality of routes 31 to a template as recited in claim 1. See Office Action, page 15. Applicants respectfully disagree. To support the assertion, on page 15 of the Office Action, the Examiner states: "[T]he route types are defined by geographic region (i.e., A, B, C, etc.), wherein the region includes a number of routes associated therein (column 1, lines 59-60 and figure 2). As such, tables 30 (i.e., template) are indeed defined by route type (i.e., region), which may not include the particular routes, as seen in figure 3, wherein the tables are merely divided by region." Applicants respectfully disagree. The tables 30 in Edgar et al. are merely daily schedules of routes for use by a particular operative.

More particularly, in Fig. 3 of Edgar et al., each table 30 pertains to a day of the week and includes routes. Each route has a number of jobs associated with it, and each job can identify a region to be visited by the operative. Thus a route is able to be separated into different geographic regions A, B, C, etc. The operative's time is then allocated over the different geographic regions within the route. In Edgar et al., once a table 30 for a particular day of the week is identified, the routes for that day are known because they are contained within the table 30. The routes in the table identify one or more geographic regions that an operative is to visit. Thus, in Edgar et al., the routes determine regions, not the other way around where the regions set the routes. In other words, Edgar et al. does not teach or suggest

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getting available route types from a template, and then determining routes based on the available route types.

Consequently, even if the route types did somehow correspond to the regions in Edgar et al. (which they do not), the regions (geographic regions) in Edgar et al. are NOT used to determine the routes in Edgar et al. It should be noted that claim 1 specifically indicates that "the routes are determined based on the available route types, the route types being descriptors or identifiers for grouping the different routes." Indeed, Edgar et al. teaches the opposite - - that the routes determine the regions which is distinctly different from route types being used to determine the routes as in claim 1.

Furthermore, claim 1, among other things recites:

> wherein the routes are determined based on the available route
> types, the route types being descriptors or identifiers for grouping
> the different routes, and wherein each of the routes is not
> separated into different route types, wherein at least one of the
> available route types is a default route type, and wherein at least
> another one of the available route types is a special route type....

Route types are NOT routes but are used in determining routes. In contrast to claim 1, the routes in Edgar et al. are separated into different regions. The Examiner at page 16 references Fig. 3, the fourth route from the left which pertains to region "B". However, even using the Examiner's use of regions as corresponding to route types, Edgar et al. would still only at best show a single route not separated into different route types (see Fig. 3 of Edgar et al.), whereas claim 1 requires all the routes to be not separated into different route types.

The route types also include at least a default route type and a special route type. As to the "default route type," the Examiner points to column 2, lines 20-25 of Edgar et al. However, the Examiner's utilization of Edgar et al. is unreasonable. Column 2, lines 20-25 of Edgar et al. pertain to operation of an appointment server illustrated in Fig. 4. There is nothing that corresponds to any route type therein described. What is described is that the appointment server 12 can offer appointments to customers based on routes stored in a database. "Specifically, if a customer within a particular region requests an appointment, the appointment server searches the routes to find one which visits the region and which contains

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sufficient free time within that region." Col. 2, lines 22-25. Appointments are then offered to the customer and the customer accepts an offered appointment.

There is NO selection of routes using anything similar to the "route types" recited in claim 1. The fact Edgar et al. discloses an appointment server able to retrieve routes that visit the region and that have sufficient free time for an additional appointment does NOT teach or suggest any use of route types.

With respect to the "special route type," the Examiner points to column 2, lines 54-56 of Edgar. Again, the Examiner's utilization of Edgar et al. is unreasonable. Column 2, lines 54-56 of Edgar et al .pertain to operation of an appointment booking scheduler 13 illustrated in Fig. 4. In particular, column 2, lines 54-56 of Edgar et al. merely state: "The scheduler then uses the optimised sequences of jobs output from the optimisation process to create a new table 30 representing a new set of routes" It should be noted that the scheduler schedules the jobs, which are the effort required to service appointments that have been previously set. The optimization produces a set of routes to be used. However, there is nothing that corresponds to any route type therein described. Optimizing a route to handle a particular set of jobs does not teach or suggest any use of route type, let alone use of a special route type. Indeed, the teachings of Edgar et al. are otherwise. That is, Edgar et al. clearly teaches that the optimization process determines routes. In contrast, claim 1 recites that a set of routes is determined for and based on each available route type.

In addition, Edgar et al. lacks any notion of dynamically creating a schedule of timeslot segments for a plurality of routes and timeslots as recited in claim 1. The Examiner incorrectly points to a table 30 of routes in Edgar et al. as being the recited template of claim 1. This cannot be. The template of claim 1 specifically recites that it "includes at least available route types." For the benefit of the Examiner, route types as evident from Applicants' specification and as claimed are descriptors or identifiers for the different routes. Although Edgar et al. includes routes within the tables 30 and the routes cover regions, the regions cannot be route types because regions are not descriptors or identifiers for the different routes. In Edgar et al., the regions are merely geographical areas. See Fig. 2 of Edgar et al.

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Consequently, with reference to claim 1, since the regions in Edgar et al. cannot be route types as recited in claim 1, Edgar et al. fails to teach or suggest any template that includes route types. Also Edgar et al. provides no teaching or suggestion to use the routes types to determine a set of routes.

Still further, claim 1 recites:

> wherein an electronic storefront system
> thereafter schedules at least one delivery stop
> using one or more of the set of schedulable
> timeslot segments, the at least one delivery stop
> being for delivery of a product or service.

Claim 1, lines 15-17.

On page 17 of the Office Action, the Examiner admits that Edgar et al. fails to disclose an electronic storefront system. However, to overcome this deficiency, the Examiner combines Hanzek with Edgar et al.

Though Hanzek permits online ordering, nothing in Hanzek teaches or suggests the other deficiencies of Edgar et al. noted above. For example, Hanzek et al. fails to teach or suggest the template with the different attributes as recited in claim 1.

Further, Hanzek fails to teach or suggest other limitations in claim 1, such as scheduling delivery stops. With reference to Fig. 4B, Hanzek mentions vehicle availability and a vehicle delivery schedule, after actual delivery has commenced. The delivery scheduling in Hanzek seems to be concerned with informing a user of availability of certain vehicles, where a customer can opt to receive status update reports, after actual delivery has commenced. This is again distinctly different from limitations in claim 1 where the scheduling is before the actual delivery. For example, scheduling delivery stops in claim 1 uses a set of schedulable timeslot segments before the delivery has commenced.

Therefore, even if Hanzek were to be combined with Edgar et al, the combination would fail to teach or suggest claim 1. In addition, it is submitted that one of ordinary skill in the art would not combine the appointment booking and scheduling system for operatives (e.g., service engineers) to visit customers as in Edgar et al. with the online communication schema for inquiring and tracking status

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of delivery vehicles of Hanzek. Motivation to combine cannot be based on hindsight reconstruction. Accordingly, it is submitted that claim 1 is patentably distinct from Edgar et al, alone or in combination with Hanzek.

Claim 17 pertains to a computer readable medium that contains instructions for controlling a computer processor to dynamically create a schedule of timeslot segments for a plurality of routes and timeslots. The instructions cause performance of operations similar to the operations recited in claim 1. Hence, for reasons similar to those noted above with respect to claim 1, it is submitted that claim 17 is also patentably distinct from Edgar et al, alone or in combination with Hanzek.

Claim 24 pertains to a computer-based home delivery scheduling system that makes use of a template, timeslots and available routes. Further, claim 24 recites "wherein the template is a master pattern from which a copy may be made to create a schedule, wherein the template includes available route types, wherein the routes are determined based on the available route types, the available route types being descriptors or identifiers for grouping the different routes, and wherein each of the routes is not separated into the different route types" and "thereafter using the scheduled timeslot segments to schedule deliveries of products and services purchased at an electronic storefront." Neither Edgar et al. nor Hanzek teaches or suggests the template or use thereof as recited in claim 24.

Claim 45 pertains to a method for creating a schedule of timeslot segments for a plurality of routes and timeslots. Among other things, available routes are determined based on at least in part on "a template storing predetermined routes for each day of the week, the predetermined routes stored within the template having at least route types, the route types being descriptors or identifiers for the different routes, the at least one available route not being separated based on the different route types, and information within the template being independent of particular delivery persons." Nothing in Edgar et al. or Hanzek teaches or suggests such templates as recited in claim 45. Therefore, it is submitted that claim 45 is also patentably distinct from Edgar et al. and/or Hanzek.

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Claim 53 pertains to a computer readable medium including computer program code for creating a schedule of timeslots for a plurality of routes. Among other things, available routes are determined based on at least one possible route type for a selected day and on a set of predetermined routes for the day of the week, the predetermined routes having route types, and the route types being descriptors or identifiers for grouping different routes. There is nothing in Edgar et al. and/or Hanzek that teaches or suggests determining available routes in the manner recited in claim 53. It is submitted that claim 53 is also patentably distinct from Edgar et al. and/or Hanzek.

Claim 54 pertains to a computer-implemented method for operating an online store to enable a user to purchase goods or services over a network. In rejecting claim 54, the Examiner relies on a combination of Edgar et al. and Hanzek. However, as noted above, one of ordinary skill in the art would not combine the appointment booking and scheduling system for operatives (e.g., service engineers) to visit customers as in Edgar et al. with the online communication schema for inquiring and tracking status of delivery vehicles of Hanzek. Motivation to combine cannot be based on hindsight reconstruction. Moreover, both Edgar et al. and Hanzek do not teach or suggest scheduling a delivery based on an attribute that depends on both the selected day and the day of week, but not pertaining to time of day. Accordingly, it is submitted that claim 54 is patentably distinct from Edgar et al, alone or in combination with Hanzek.

Based on the foregoing, it is submitted that claims 1, 17, 24, 45, 53 and 54 are patentably distinct from Edgar et al, alone or in combination with Hanzek. In addition, it is submitted that dependent claims 2-16, 18-23, 25-30, 43, 44 and 46-52 are also patentably distinct from both references for at least the same reasons as their corresponding independent claims. The additional limitations recited in the independent claims or the dependent claims need not be further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from Edgar et al, alone or in combination with Hanzek.

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Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 45-51 and 53 under 35 USC §102(b) as well as the rejection of claims 1-30, 43, 44, 52 and 54 under 35 USC §103(a).

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SUMMARY

It is submitted that the rejection of claim 53 under 35 USC §112 should be withdrawn. In addition, it is submitted that claims 1-30 and 43-54 are patentably distinct from the cited references and thus the rejections under 35 USC §102(b)/§103(a) should be withdrawn. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-3874 (Order KAISP005).

Respectfully submitted,

By: _____
C. Douglass Thomas
Registration No.: 32,947

5150 El Camino Real
Building A, Suite 22
Los Altos, CA 94022
(650) 961-8300